## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 05-10112-RCL
COMMONWEALTH OF MASSACHUSETTS et al.,	)	
Defendants.	)	

## JOINT MOTION TO RESCHEDULE HEARING DATE

Pursuant to Local Rule 40.3, the parties, by and through undersigned counsel, jointly move to change the date of the December 21, 2007, 10:00 am hearing before Magistrate Judge Leo T. Sorokin on the United States' motion for a preliminary and permanent injunction to December 20, 2007 at 1:45 pm. Counsel for the Commonwealth, Pierce O. Cray, Esq. and Seth Schofield, Esq., are not available to appear at the scheduled time on December 21, 2007 due to previously scheduled engagements. Counsel for the United States, Intervenor-Plaintiffs American Waterway Operators *et al.*, and Intervenor-Defendant Coalition for Buzzards Bay have graciously agreed to the Commonwealth's request to reschedule the hearing. On November 30, 2007, Courtroom Clerk Maria Simeone informed counsel for the United States, Steven Y. Bressler, Esq., and the Commonwealth, Seth Schofield, Esq., that the Court is available to hear argument on the United States' Motion at 1:45 pm on December 20, 2007.

For good cause shown, undersigned counsel respectfully request that the Court grant their joint motion to reschedule the hearing on the United States' Motion for a preliminary and permanent injunction for **1:45 pm on December 20, 2007**.

Respectfully submitted this 30th day of November, 2007,

Plaintiff,

UNITED STATES OF AMERICA

Defendants, COMMONWEALTH OF MASSACHUSETTS

By:

By:

JEFFREY S. BUCHOLTZ Acting Assistant Attorney General MARTHA COAKLEY ATTORNEY GENERAL

MICHAEL J. SULLIVAN
United States Attorney
MARK T. QUINLIVAN
Assistant United States Attorney

/s/ Steven Y. Bressler (by permission)
ARTHUR R. GOLDBERG D.C.B. 180661
STEVEN Y. BRESSLER D.C.B. 482492
Attorneys, Civil Division
United States Department of Justice
P.O. Box 833
Washington, D.C. 20044
(202) 514-4781
steven.bressler@usdoj.gov

/s/ Seth Schofield
Seth Schofield, BBO No. 661210
Pierce O. Cray, BBO No. 104630
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, Massachusetts 02108
(617) 727-2200
seth.schofield@state.ma.us
pierce.cray@state.ma.us

Intervenor-Plaintiffs AMERICAN WATERWAY OPERATORS et al. Intervenor-Defendants,
THE COALITION FOR BUZZARDS BAY

By:

By:

/s/ Andrew J. Hachey (by permission)
Andrew J. Hachey, BBO No. 567183
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110
617-345-1034
ahachey@nixonpeabody.com

/s/ Jonathan M. Ettinger (by permission)
Jonathan M. Ettinger, BBO No. 552136
Elizabeth M. DeLisle, BBO No. 658067
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-1000
jettinger@foleyhoag.com
edelisle@foleyhoag.com